



INTERIOR BOARD OF INDIAN APPEALS

Kenneth W. Davis v. Great Plains Regional Director, Bureau of Indian Affairs

38 IBIA 89 (08/29/2002)



United States Department of the Interior

OFFICE OF HEARINGS AND APPEALS
INTERIOR BOARD OF INDIAN APPEALS
801 NORTH QUINCY STREET
SUITE 300
ARLINGTON, VA 22203

KENNETH W. DAVIS,
Appellant

v.

GREAT PLAINS REGIONAL DIRECTOR,
BUREAU OF INDIAN AFFAIRS,
Appellee

: Order Dismissing Appeal
: as Moot

:

:

: Docket No. IBIA 01-99-A

:

:

: August 29, 2002

Appellant Kenneth W. Davis sought review of a January 29, 2001, decision of the Great Plains Regional Director, Bureau of Indian Affairs (Regional Director), concerning a decision not to bill Gratech Construction Company, LTD (Gratech), for payment for gravel not yet removed from the Francois Delorme Allotment No. 1001 under Sand, Gravel, Pumice, Building Stone lease # 14-20-A11-520. The Board of Indian Affairs (Board) dismisses this appeal as moot.

On December 31, 2001, the Board received a memorandum from the Regional Director, who stated her belief that this appeal was moot because Gratech had paid the royalty due on the gravel removed from the allotment. She further noted that Appellant had been paid his share of the royalty. The Board gave other parties an opportunity to comment on whether or not they believed the appeal was moot.

Only Appellant responded. He argued that the appeal was not moot.

Despite Appellant's objections, the Board finds that this appeal is moot. Appellant has been paid for the gravel extracted and removed from the leased premises.

Therefore, pursuant to the authority delegated to the Board of Indian Appeals by the Secretary of the Interior, 43 C.F.R. § 4.1, this appeal from the Regional Director's January 29, 2001, decision is dismissed as moot.

Kathryn A. Lynn
Chief Administrative Judge

Anita Vogt
Administrative Judge